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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,100	01/04/2002	Thomas W. Yip	10011703-1	8644

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EXAMINER

LAMB, TWYLER MARIE

ART UNIT PAPER NUMBER

2622

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,100	YIP ET AL	
	Examiner	Art Unit	
	Twyler M. Lamb	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-20 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 13-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 13 recites the limitation "the program" in lines 1 and 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.
4. Claims 14-20 are rejected because they depend on a rejected base claim.
5. NOTE: Examiner believes that claim 13 was meant to recite "computer readable medium storing a program..." this correction will prevent a 101 Rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-5, 7-14 and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Yardumian et al. (Yardumian) (US 6,992,782).

With regard to claims 1 and 13, Yardumian discloses a system for processing digital images, comprising: means for specifying a plurality of images; means for specifying a page layout format; means for retrieving the plurality of images; means for positioning the plurality of images on a page; and means for displaying the page on a display using a scalable vector graphics (SVG) format (col 2, line 62 – col 4, line 67; col 13, lines 26-60).

With regard to claim 2, Yardumian discloses wherein the means for positioning is implemented by a processor, and wherein the means for retrieving retrieves the specified images from a memory (col 2, line 62 – col 4, line 67; col 13, lines 26-60).

With regard to claim 3, Yardumian discloses a method for processing digital images, the method comprising the steps of: receiving a specification of a plurality of images; receiving a specification for a page layout format; positioning the specified number of images on a print page; and displaying the print page on a display (col 2, line 62 – col 4, line 67; col 13, lines 26-60).

With regard to claim 4, Yardumian discloses wherein the step of positioning the specified number of images on the print page further comprises the step of using a scalable vector graphics (SVG) format (col 4, lines 62-67).

With regard to claims 5 and 14, Yardumian discloses wherein the step of receiving the specification for the page layout format further comprises the step of receiving a specification for an album page layout (col 2, line 62 – col 4, line 67; col 13, lines 26-60 Note: any page layout can be used as an album.).

With regard to claims 6 and 15, XXXX discloses further comprising the steps of: selecting an album page aspect ratio; comparing an aspect ratio of each one of the specified plurality of images to the album page aspect ratio; and modifying the aspect ratio of each one of the specified plurality of images to equal the album page aspect ratio when the aspect ratio of each one of the specified plurality of images does not equal the album page aspect ratio.

With regard to claim 7, Yardumian discloses further comprising the step of receiving a specified orientation such that the print page is oriented according to the specified orientation (col 6, lines 24-31).

With regard to claims 8 and 16, Yardumian discloses wherein the step of receiving the specified orientation further comprises the step of receiving a specification for a landscape orientation (col 6, lines 24-31).

With regard to claims 9 and 17, Yardumian discloses wherein the step of receiving the specified orientation further comprises the step of receiving a specification for a portrait orientation (col 6, lines 24-31).

With regard to claims 10 and 18, Yardumian discloses wherein the step of receiving the specification for the page layout format further comprises the step of receiving a specification for a print page layout (col 6, lines 24-31).

With regard to claims 11 and 19, Yardumian discloses further comprising the steps of: determining a maximum number of images that will fit on the print page, the maximum number of images being less than the total number of the plurality of images; selecting a number of images from the plurality of images specified, the selected number of images equal to the maximum number of images; positioning the selected number of images on the print page using a scalable vector graphics (SVG) format; and displaying the page on the display (col 6, lines 24-31; col 2, line 62 – col 4, line 67; col 13, lines 26-60).

With regard to claims 12 and 20, Yardumian discloses further comprising the steps of: selecting a second number of images from the plurality of images specified, the selected second number of images equal to the maximum number of images; positioning the selected second number of images on a second print page using the SVG format; and displaying the second print page on the display (col 6, lines 24-31; col 2, line 62 – col 4, line 67; col 13, lines 26-60).

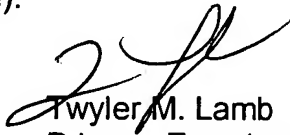
Allowable Subject Matter

8. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler M. Lamb whose telephone number is 571-272-7406. The examiner can normally be reached on Mon, Tues and Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Twyler M. Lamb
Primary Examiner
Art Unit 2622